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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,540	01/25/2000	Shlomo Kipnis	NDS-300.USA	7274

7590 03/26/2003

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EXAMINER

BUI, THACH H

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,540

Applicant(s)

KIPNIS ET AL.

Examiner

Thach H Bui

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13, 15-16, 18-20, 22-40 is/are rejected.
- 7) ☒ Claim(s) 14, 17, 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved; corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed February 19, 2003 has been received and entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13, 15-16, 18-20, and 22-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (U.S. Patent No. 6,325,292).

As per claims 1 and 13, Sehr teaches a portable transaction device comprising a transaction apparatus operative to participate in a monetary transaction (see Figure 1). Sehr also teaches an authorization means/apparatus to authorize the transaction (column 5, lines 20-27). Sehr does not explicitly mention a control apparatus operative to store the stored authorization parameters. However, Sehr teaches databases in gathering/storing, organizing, displaying, evaluating, manipulating, processing, and exchanging of data and information (column 4, line 66- column 5, line 13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to understand that the system, as taught by Sehr, contains a control apparatus to store authorization parameters and/or information. Sehr further teaches stored information/authorization parameters by the databases comprising an identity of a user, a time period, and a distance (column 5, lines 29-35) (column 5, lines 7-13).

Art Unit: 3628

Sehr has all the features of the invention, but Sehr does not mention explicitly the time period during which a user is authorized to use the portable transaction device.

However, Sehr teaches an automated card system and methods for facilitating via a portable collector card device a plurality of services, comprising storing collectible information, security data, and other information in the collector card; loading monetary values and electronic payment forms in the card; issuing and using the card or enjoyment and other services, and for purchases of goods and services; rendering the services requested and clearing the payments made via the card; and communicating card data and related service information between and among the system entities.

Once the card is issued to the cardholder (col. 3, line 65-col. 4, line 5); the cardholder is authorized to use the portable device during this period of time. Therefore, it is obvious that the system, as taught by Sehr, teaches the time period during which a user is authorized to use the portable transaction device.

As per claim 2, the claim contains features addressed in claim 1, and therefore, is rejected under the same rationale. In addition, Sehr a storage apparatus operative to store an identity of at least one authentic authorization control user (column 5, lines 43-63) (column 5, lines 29-35) in determining whether a user of the portable transaction device is an authentic authorization control user.

As per claim 3, Sehr teaches an input device (column 5, lines 58-62).

As per claims 4-9 and 11, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale. Sehr does not explicitly mention an input device comprising a password input device and a fingerprint input

Art Unit: 3628

device. However, Sehr teaches an input device comprising a keyboard (inputting device), and a touch screen (physical recognition device); therefore, it would have been obvious to one having ordinary skill in the art to realize the system, as taught by Sehr, to have a password input device and a fingerprint input device. Sehr has all the features of the invention but Sehr does not explicitly mention a mean to receive a signal indicating that a new user is to be considered as an authentic authorization control user. However, Sehr teaches a mean to authenticate the user to prevent fraud (col. 3, lines 33-39) (col. 4, lines 46-51) (col. 5, lines 20-35) (col. 5, lines 46-47), and using the card for the first time, the system will automatically authenticate the user i.e. security keys, access codes and etc. to make sure that is the right cardholder.

As per claim 10, Sehr does not mention explicitly a storage control apparatus has a maximum storage capacity. However, Sehr teaches a storage capacity (multiple databases) to store information. Therefore, it would have been obvious to one having ordinary skill in the art to realize that the system, as taught by Sehr, has a maximum storage capacity to store information.

As per claims 15 and 16, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale. Further, Sehr teaches a predefined function of at least two of the authorization parameters i.e. access codes, security keys and etc. Sehr does not explicitly mention a defined distance from a specified location; however, Sehr teaches a "smart card" that has at least one silicon chip/integrated circuit embedded into the card package, and the smart card may be limited in use within the U.S. (e.g. discover card). Therefore, it would have been

Art Unit: 3628

obvious to one skilled artisan in the art to realize that the portable device, as taught by Sehr, includes a defined distance from a specified distance.

As per claim 18, Sehr has all the features of the invention but Sehr does not explicitly mention a mean to authorize use of the card by each of the plurality of authorized persons in accordance with the authorization profile. However, Sehr teaches a database stores the data and information needed by the card service center to perform the operational tasks including data communications and security management (col. 6, lines 59-61). Therefore, it would have been obvious to one skilled artisan in the art at the time the invention was made to realize that the system, as taught by Sehr, is able to authorize use of the card by each of the plurality of authorized persons in accordance with the authorization profile.

As per claims 19-20, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale. Further, Sehr teaches a "smart card" that has at least one silicon chip/integrated circuit embedded into the card package; therefore, the portable device comprises a control device for controlling electronic equipment.

As per claims 22-25, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale. In addition, Sehr teaches a "smart card" (col. 5, lines 46-49) and a "smart card" always includes a predetermined monetary limit and/or transaction limit.

As per claim 26, the claim contains features addressed in claim 1, and therefore, is rejected under the same rationale.

As per claims 27-29, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale.

As per claims 30-35, Sehr has all the features of the invention and Sehr also teaches the biometrics box (13) (i.e. fingerprint, voice, eye characteristics and etc.) of which can be captured and stored or imprinted into the collector card, as well as loaded into databases.

As per claims 36-40, the claims contain features addressed in the above claims, and therefore, are rejected under the same rationale.

Allowable Subject Matter

3. Claims 14, 17, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

4. In view of the amendment filed on February 19, 2003, PROSECUTION IS HEREBY REOPENED.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

Art Unit: 3628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

T.B.
March 21, 2003


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600